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Paper No. 5

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In re Application of :  
Colbert et al. :  
Application No. 10/027,670 :  
Filed: December 21, 2001 : DECISION ON PETITION  
Attorney Docket No. :  
11321-P011C1D6 :

This is a decision on the Petition in Response to Notice of Incomplete Nonprovisional Application, filed October 2, 2002, requesting the application be accorded a filing date of December 21, 2002, including 14 sheets of drawings as part of the original disclosure.

The application was filed on December 21, 2001. However, on August 12, 2002, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), stating that the application had been deposited without drawings.

Petitioner argues that 14 sheets of drawings described in the specification were included among a complete application filed initially, on December 21, 2001, and were received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of 14 sheets of drawings filed on December 21, 2001.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 14 sheets of drawings by this Office on December 21, 2001. Petitioner has also re-submitted 14 sheets of drawings described in the specification, with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which

are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

The petition is granted. The Notice is hereby withdrawn.

No petition fee is required. The petition fee, \$130.00, has been refunded to deposit account 23-2426 as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of December 21, 2001, using the original application papers filed and the 14 sheets of drawings submitted on October 2, 2002. The Office record should reflect that 14 sheets of drawings were present on filing.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (703) 305-0014.

*Christina Partera Donnell for*

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Supervisory Petitions Examiner  
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